

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

PRENTIS EARL SMITH, II.

§

VS.

§

CIVIL ACTION NO. 2:19cv351

MARION COUNTY JAIL, ET AL.

§

ORDER OF DISMISSAL

Plaintiff Prentis Earl Smith, a prisoner confined at the Clements Unit within the Texas prison system proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit complaining of alleged violations of his constitutional rights. The complaint was referred to United States Magistrate Judge Roy S. Payne for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On May 20, 2022, Judge Payne issued a Report, (Dkt. #28), recommending that Plaintiff's civil rights lawsuit be dismissed, with prejudice, for the failure to state a claim upon which relief may be granted. A copy of this Report was sent to Plaintiff at his last-known address. To date, however, Plaintiff has not filed objections.

Because objections to Judge Payne's Report have not been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, barred from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the District Judge. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243

(1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is


ORDERED that the Report of the United States Magistrate Judge, (Dkt. #28), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Plaintiff's civil rights lawsuit is **DISMISSED**, with prejudice, for the failure to state a claim upon which relief may be granted. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So Ordered this

Jun 21, 2022



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE